

## HAMILTON COUNTY BOARD OF COMMISSIONERS

MAY 14, 2001

The Hamilton County Board of Commissioners met on Monday, May 14, 2001 in the Commissioner's Courtroom at the Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session.

### **Bid Opening: (Tape 1, #12)**

#### **Strawtown Avenue Project:**

Mr. Michael Howard stated the Commissioners are meeting in Executive Session and have requested Mr. Howard open the bids. Mr. Howard opened the bids for Strawtown Avenue. Form 96, Bid Bonds, Non-Collusion Affidavits and the Acknowledgment of 2 Addendums are included unless otherwise specified. 1) E&B Paving, Inc. - \$2,685,921.09. 2) Reith-Riley Construction Co., - \$2,898,689.21. 3) Milestone Contractors - \$2,742,000.00. 4) Atlas Excavating - \$2,872,384.78. Mr. Howard forwarded the bids to the Highway Department for review and recommendation later in today's meeting.

#### **Resurface Contract 01-3, Various Roads in Fall Creek Township:**

Mr. Howard opened the bids for Resurface Contract 01-3, Various Roads in Fall Creek Township. 1) Grady Brothers - \$755,200.00. 2) E&B Paving - \$764,003.14. 3) Milestone Contractors - \$649,131.40. 4) Calumet Asphalt - \$742,840.00. 5) Shelly & Sands - \$812,148.00. 6) Rieth-Riley - \$742,600.00. Mr. Howard forwarded the bids to the Highway Department for review and recommendation later in today's meeting.

### **Call to Order: (Tape 1, #359)**

President Dillinger called the public meeting of the Hamilton County Board of Commissioners to order at 2:45 p.m. A quorum was declared of Commissioner Steven C. Dillinger, Commissioner Steven A. Holt and Commissioner Sharon R. Clark. The Pledge of Allegiance was recited by everyone.

### **Approval of Minutes:**

Holt motioned to approve the minutes of April 23, 2001, April 25, 2001 (Joint Session of County Council and Board of Commissioners) and May 7, 2001. Dillinger seconded. Holt, Dillinger and Clark approved the minutes of April 23, 2001 and May 7, 2001. Dillinger and Holt approved the minutes of April 25, 2001. Clark abstained on the April 25, 2001 minutes.

### **Executive Session Memoranda:**

Holt motioned to approve the Executive Session Memoranda of May 10, 2001 and May 14, 2001. Clark seconded. Motion carried unanimously.

### **Glenwood Sanitary Sewer Road Cut Permits:**

Mr. John Duffy, Utility Director for Carmel Wastewater and Utilities, stated they have applied for three road cut permits for the Glenwood Sanitary Sewer Project. Two of the permits are to replace manholes. The manhole cover itself will not be in the road, we need to cut a small portion of the road so they can set the manhole safely. The third permit is for a change of the location of the pipe. Part of that was to go in to a private easement, we had difficulty obtaining that easement. A portion of that pipe is now in county right-of-way so the permit needed to be refilled. Holt motioned to approve. Clark seconded. Mr. Locke stated the first time these permits were submitted the fees were waived with Carmel doing the inspection. We had to send one of our inspectors out and we realized they were not being installed in accordance with the plans that were originally submitted. A violation notice was issued and the violation fee waived. If the Commissioners wish the fee be waived again, it needs to be added to the motion. Holt

amended his motion to waive the fee. Clark seconded the amendment. Motion carried unanimously.

**Open Road Cut Permits:**

Mr. Locke requested approval of the remainder of the Road Cut Permits. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Highway Department:**

Mr. Locke requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B910048 - Travelers Casualty and Surety Company Rider for Bond No. 27S103350590-17 issued for Indiana Gas Company, Inc. to read Indiana Gas Company, Inc., dba Vectren Energy Delivery of Indiana Inc. to expire April 1, 2002. 2) HCHD #B980070 - Travelers Casualty and Surety Company Continuation Certificate for Bond No. 8S-101171810-BCM issued on behalf of Myers Construction Management Inc., in the sum of \$54,938 extended to April 22, 2002. 3) HCHD #B010049 - Liberty Mutual Insurance Company Bond No. 14007872 issued for Megan Construction Co., Inc. in the sum of \$5,000 for excavation 1071' south of 106th Street on Springmill Road, directly across from Millridge Drive to expire April 16, 2002. 4) HCHD #B010050 - Ohio Farmers Insurance Company Performance Bond No. 5856117 issued for Mar-Zane, Inc., in the sum of \$15,000 for Category 2a, paving mixtures for area of the county west of SR 19, North of SR 32 and West of White River, South of SR 32, beginning March 1, 2001 and ending February 28, 2002. 5) HCHD #B010051 - Continental Casualty Company Permit Bond No. 929192431 issued for Sheehan Construction Co., Inc. in the sum of \$15,000 to expire April 25, 2002. 6) HCHD #B010052 - Continental Casualty Company Permit Bond No. 929192430 issued for Sheehan Construction Co., Inc. in the sum of \$15,000 to expire April 25, 2002. 7) HCHD #B010053 - United States Fidelity and Guaranty Performance & Payment Bond issued for Irving Materials, Inc. in the sum of \$5,000 to furnish aggregates from April 11, 2001 to February 28, 2002. 8) HCHD #B010054 - Liberty Mutual Insurance Company Annual Permit Bond issued for Verizon North, Inc. in the sum of \$25,000 to expire May 24, 2002. Holt motioned to accept. Clark seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit - Highway Department:**

Mr. Locke requested release of Bonds/Letters of Credit for the Highway Department. 1) HCHD #B940004 - United States Fidelity and Guaranty Company Maintenance Bond No. 31-01-20-12813-93-7 issued for Bowen Engineering Corporation in the sum of \$5,000 for road cut at 131st & Lantern Road for installation of sanitary sewer. 2) HCHD #B970053 - United States Fidelity and Guaranty Company Bond No. 31-0120-21716-97-4. 3) HCHD #B980103 - Safeco Insurance Company of America Maintenance Bond No. 5944060 issued for Centex Homes in the sum of \$50,800 for pavement, curbs and signs in Waterwood, Sections 1, 2 and 3. 4) HCHD #B990029 - Erie Insurance Company Permit Bond No. Q87-6270073 issued for Perry Construction in the sum of \$5,000 for work in county right-of-way. 5) HCHD #B000040 - Frontier Insurance Company Permit Bond No. 154843 issued for C.P. Morgan Communities, LP in the sum of \$5,000 for underground construction at Cumberland Road south of 146th Street in Delaware Township. 6) HCHD #B920036 - Seaboard Surety Company Continuation Certificate Bond No. 210448 issued for GTE North, Incorporated in the sum of \$25,000 to be replaced with a bond from another surety. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Agreements: (Tape 1, #550)**

**Strawtown Avenue Project Utility Agreements:**

Mr. Locke requested approval of non-reimbursable Utility Agreements for the Strawtown Avenue Project. The agreements are HCHD #M-01-0028 with Verizon, HCHD #M-01-0025 with Insight Communications and HCHD #M01-0026 with Cinergy. Clark motioned to approve. Holt seconded. Motion carried unanimously.

**Bridge No. 17 Utility Agreement:**

Mr. Locke requested approval for a non-reimbursable Utility Agreement HCHD #M-01-0029 for Bridge No.. 17 on 246th Street over Teter Branch with PSI Energy. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Bridge No.. 6 Utility Agreements:**

Mr. Locke requested approval of a reimbursable Utility Agreement, HCHD #M-01-0031, for Bridge No.. 6, Ditch Road over Almond Ditch with Indianapolis Water Company in the amount of \$17,303.00. The second agreement, HCHD #M-01-0030 with Ameritech in the amount of \$13,608.02. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**INDOT Agreement - Bridge Inspection Program:**

Mr. Locke requested approval of an agreement, HCHD #E-01-0008, with INDOT for the County-State Agreement for Bridge Inspection Program for 2001 & 2003 for federal funds. They would reimburse the County for 80% of project costs. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Bridge Inventory & Inspection Agreement:**

Mr. Locke requested approval of an agreement with United Consulting Engineers for the 2001 & 2003 Bridge Inventory and Inspection. This is for all bridges over 20' in length (231 bridges). The total not to exceed costs are \$122,600. Hamilton County's share after reimbursement is \$24,520. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**106th Street and College Avenue Improvement Project Agreement:**

Mr. Locke requested approval of Engineering Supplemental Agreement No.. 1, HCHD #E-00-0010, with First Group Engineering, Inc. for the 106th Street and College Avenue Intersection Improvement Project. This is for off-site sewer improvement work which was not included in the original agreement. We are looking at over sizing this storm sewer to accommodate the Drainage Board's plans for future additional drainage in this area. We have asked the County Attorney to write an agreement to be signed by the Hamilton County Drainage Board to allow the Highway Department to be exempt from future assessments for that drain for the amount up to the additional costs we are expending to oversize that drain. Holt stated during the Drainage Board meeting it was represented that it would be a \$64,000 charge to the watershed. Mr. Locke stated because we don't want to go through the public hearing process, which would slow things down, we reached an agreement with the Surveyor's Office. For us to drain the intersection is \$222,000. For us to up size the pipes to include the intersection and allow for a subdivision in the future is \$286,000. The difference is \$64,300. Mr. Howard asked if the Highway Department would receive credit for any future reconstruction? Mr. Locke stated correct. Holt stated he thought this was to be under maintenance rather than reconstruction. Mr. Howard stated this would be an easier way to move the project along. Holt asked when are you breaking ground? Mr. Morasch stated by the end of 2003. Holt stated we could be through the process in 120 days, why would we want to tie up highway funds until someday? Dillinger asked Mr. Locke to speak to someone in the Surveyor's Office during the break.

**Bridge No. 45 Supplemental Agreement:**

Mr. Locke requested approval of Supplemental Agreement No. 1, HCHD #E00-0017, for Bridge No.. 45, Six Points Road over Henley Creek with Congdon Engineering Associates, Inc. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**U.S. 31 and S.R. 37 Interchange Study Supplemental Agreement:**

Mr. Locke requested approval of Supplemental Agreement No. 2, HCHD #E-00-0002, for U.S. 31 and S.R. 37 Interchange Study with United Consulting Engineers. We felt there was enough money in the

original agreement, however there was a lack of communication between United's billing department and engineering department. There was approximately a month's worth of work that had not been billed. They are requesting an additional amount not to exceed of \$10,700. This is an hourly based contract. Holt motioned to approve. Clark seconded. Clark asked if this is our mistake or their mistake? Holt stated we increased the scope of the project after they gave us an estimate. We originally had not included the frontage roads, 296th Street, nor Strawtown Avenue. Mr. Morasch stated this is the second supplement to the contract. It was increased one time to include all of that, but when they put the remaining estimate together their billing department and engineering department were missing one of the bills and they did not estimate enough money. Clark asked if the second not to exceed contract included all of the work that we requested? Mr. Locke stated it is an hourly contract. Clark asked if we had a not to exceed? Mr. Locke stated right. Clark stated that not to exceed is not enough? Mr. Morasch stated it has not been exceeded yet, but the work is not completed. Clark stated it sounds like it was their mistake. Mr. Locke stated the engineering department thought there was more money left, based on the information from the billing department. The billing department had not put together the latest bill that included the fees for two weeks. As a result there was not as much money there as they thought. Dillinger and Holt approved. Clark opposed. Motion carried.

Holt addressed Mr. Morasch, stating at the Plan Commission he had two representatives with him and he carried the presentation eloquently. If there are any more public presentations, maybe one representative would be sufficient.

#### **116th Street Landscaping in Right-of-Way Agreement:**

Mr. Locke requested approval of agreement HCHD #M-01-0033, regarding landscaping in right-of-way on 116th Street, commonly known as 1711 West 116th Street, Lot #45 Crooked Stick Estates. This resident installed a lot of landscaping in the right-of-way. The permit inspector asked them to remove it. After negotiations they have agreed to remove certain parts of the landscaping that we found to be dangerous or not safe. They would like to leave the rest of the landscaping at that location. We feel that would be appropriate. This agreement would indemnify the county against liability and give us the right to remove it if they do not remove it themselves when we get ready to do a road project. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Concurrence with Traffic Studies Correspondence: (Tape 1, #1076)**

Mr. Locke requested approval of the Traffic Studies Correspondence. Holt motioned to concur. Clark seconded. Clark asked if there are different standards in the MUTCD, regarding residential, verses rural, verses commercial, verses interstate? Mr. Locke stated there are standards based on traffic volumes, geometrics in the area. Mr. Chris Burt stated there are differences in the size of signs, pedestrians, school areas are different. Clark stated she thinks a residential area should be treated differently than a commercial or industrial. Mr. Locke stated to some extent that does happen. Dillinger and Holt approve. Clark opposed. Motion carried.

#### **Official Actions:**

##### **Regulatory Signs:**

Mr. Locke requested approval of the installation of regulatory signs on 191st Street from 1720' west of Tomlinson Road to Tomlinson Road in Washington Township. This would repeal 40 mph and enact 45 mph. Holt motioned to approve. Clark seconded. Motion carried unanimously.

##### **Traffic Signals - Various Locations:**

Mr. Locke requested approval of the official action setting preferentially for traffic signals at various intersections throughout the county. Clark motioned to approve. Dillinger seconded. Motion carried unanimously.

### **No Passing Zones - Various Locations:**

Mr. Locke requested approval of the official action installing No Passing Zones at various locations throughout the county. Clark motioned to approve. Holt seconded. Motion carried unanimously.

### **No. Passing Zones - Greyhound Pass:**

Mr. Locke requested approval of an official action to install No Passing Zones on Greyhound Pass from Corral Ct. To Westfield C.L. (0.32 miles east of Ascot Hills South). Holt motioned to approve. Clark seconded. Motion carried unanimously.

### **96th Street Median East of Gray Road:**

Mr. Locke requested input from the Commissioners if they would like to pursue installing a raised median, with grass, on 96th Street east of Gray Road. With the drive going into the new complex on the south side of the road it will be right in, right out only. We don't see that there will be any more crossovers there. Mr. Jim Wurster, American Consulting Engineers, stated their firm represents Skinner and Broadbent Company who is the developer of the southeast corner of River Ridge and 96th Street. We started December 1, 2000 with a application for a curb cut. At that time it was denied any curb cut. In the middle of January we had an agreement that we could have a curb cut at this location if we would donate right-of-way. We have donated additional right-of-way and additional utility easement as part of the curb cut approval. This area is high development cost real estate. Currently the lots are for sale at a price of over \$5,000 per acre. If you take 3/10 of an acre, which we donated, it works to \$120,000 worth of right-of-way that we have already donated. The easement is property we can not build on, but the value works out to be \$16,700. We feel we have already negotiated the deal and we have donated \$137,600 worth of land to this project. This road was built at great expense and the county and city have had 10 years to look at this. Now it has been suggested it be torn out. Do not put additional burden on the developer because of this. We received a permit for this on February 13, 2001. We would like to recommend you approve what was submitted with the permit with no other conditions, with the striping and the pork chop. We will increase the radius of the inbound right turn which will make it more difficult for people to turn out of that median. If you want to build a median, that is fine, but not at our expense. Mr. Locke stated the permit was issued by Hamilton County Highway Department with the understanding to facilitate their project it was issued with the median issues to be resolved after the permit was issued. We have asked them anywhere from paying for the whole cost of the median to do a cost sharing. What we have presented today was that they would contribute the amount of money that they would have to put in to striping. There may be some difference in the cost of striping because they anticipated using thermoplastic. That does not meet what is down there now. We have costs to put in the same type of pavement markings, which are a permanent tape marking. We submitted to the commissioners that rather than putting that pavement marking down and deciding later to raise the median, if we could put that money towards the median at this time and find additional funding sources to do the median. Mr. Wurster suggested striping be put down now. There is no commitment from anybody to put the median in. We are going to open this center this summer and if you want to block left turns we have to put something down. He would suggest putting in the striping per our proposal, not the expensive or extended striping that was suggested. Mr. Locke stated if we are never going to do that median we need to put down the appropriate striping material for that location. We could talk to Carmel about using money out of the remaining 96th Street funds to do that. It would have to be split so it would not be a reduction in Fishers or anyone's amount. Dillinger asked what is the estimate cost? Mr. Locke stated the estimated cost is approximately \$60,000. We have an estimate from our annual bid people to put down the appropriate cross hatch marking in accordance with his plan of the appropriate materials and that amount is approximately \$10,500. Mr. Wurster stated please keep in mind we have donated \$139,000 worth of land. Clark asked if our cost would be \$48,500? Mr. Locke stated correct. That includes taking the pavement out, putting in new curb in the center, top soil, seed and straw. Clark asked if the committee looking into beautifying this area may share in some of the costs? Mr. Locke stated we could look into it. Clark asked if we are in any hurry? Mr. Locke stated the only issue is if they get this open mid-summer and whether or not we feel the cross hatching is needed. There is also an overhead wire at this location with signs which we will take down. Mr. Locke asked if the store ownership against the raised median? Mr. Wurster stated no, just for paying for it. We feel we have paid our dues. The left turns will be at the traffic signals. Clark asked if we

are asking Mr. Wurster for more money? Mr. Locke stated what we are asking them is rather than they spend the money for the pavement markings, putting it into the median. Clark asked how long will it take to do what you are recommending? Mr. Locke stated he would estimate 60 days. Mr. Locke asked if the Board would like to see a median installed we will try to work with Carmel or if we should fund it. If you don't want the median then we will ask they use permanent tape. We will not allow them to use thermoplastic unless the Board instructs us otherwise. Clark stated she thought this was for public safety. Mr. Locke stated that is one part of the issue. Clark asked if they consider it safer with the median instead of the pork chop? Mr. Locke stated yes. Clark stated she does too. Mr. Howard stated it seems issue one is exploring options of funding the median. Clark stated she would like to have the median, but she would like the 96th Street group to participate. Mr. Locke stated we could allow him to go ahead with the driveway entrance and the pork chop and doing nothing with the median at this point. Clark stated if he does the pork chop we won't get the \$11,000 for the median. Mr. Howard stated the striping issue does not need to be resolved until the day they open. Mr. Wurster stated they would like to know what they are going to do. Mr. Wurster offered that they pay \$10,000 no striping, no pork chop and we proceed. We have stopped construction at the request of the Highway Department. Mr. Locke stated he would recommend accepting that. We may have to look at the radius coming in. Mr. Locke stated if we decide to do away with the pork chop we would have to do the median. Mr. Howard asked if there were monies left from the 96th Street funds? Mr. Locke stated we should be getting some money back. Dillinger asked Mr. Locke what is the right way to do this? Mr. Locke stated it is the desire of the people in the area to have the median. As much as we want to keep 96th Street an arterial road, we will need to forcibly eliminate as many left turns as possible. The way to go is to put the median in. Mr. Locke stated the offer of \$10,000 and eliminating the pork chop is agreeable to him, as long as the Commissioners are agreeable to insuring that the median does get installed. Clark stated that is her motion. Holt seconded. Holt asked what is the pork chop going to cost you? Mr. Wurster stated about \$3,800 for the smaller one. Holt asked if we did not do this would you be doing the bigger one? Mr. Wurster stated it is subjective. Dillinger, Holt and Clark approved the motion unanimously.

#### **96th Street and Towne Road Right-of-Way Dedication:**

Mr. Locke requested approval of the acceptance of right-of-way dedication at 96th Street and Towne Road from the developer. Mr. Locke commended Matt Morasch and Steve Broermann for their work on acquiring the right-of-way. Clark motioned to accept. Holt seconded. Motion carried unanimously.

#### **Preferred Alignments:**

##### **Springmill Road and Six Points Road Alignment:**

Mr. Matt Morasch stated the goal of the Springmill and Six Points project was to eliminate the two 90 degree turns on Springmill Road and provide central intersections along that stretch of roadway. We have held two public meetings. The first meeting we presented seven alignments, a summary was brought to the Commissioners on March 26th. Alignments 1 & 2 were taken to a public meeting on April 18th. Mr. Morasch requested Alternate #1 be the preferred alignment. If that is approved we will proceed in developing right-of-way plans for Alternate #1 and take them to the Plan Commission for their adoption. Holt motioned to accept Highway's recommendation of Alignment #1. Clark seconded. There were no public comments. Motion carried unanimously.

##### **Towne Road Alignment:**

Mr. Morasch presented the proposed alignment for Towne Road. The goal of the Towne Road Alignment was to determine alignment that would minimize future construction costs and to lessen the impact to existing properties. An initial public meeting was held December 19th, where we presented a broadband corridor. A second public meeting was held on April 11th where we presented 10 alignment alternatives. Mr. Morasch requested we proceed with developing Alternate #4 as our preferred alignment. We would develop right-of-way plans for that and take that to the Plan Commission for adoption. Alternate #4 received the highest ranking from the public meeting. It also provides a 90 degree intersection with SR 32. Holt motioned to approve. Clark seconded. No public comments. Motion carried unanimously.

**Shelborne Road Alignment:**

Mr. Morasch presented the proposed alignment for Shelborne Road. At the second public meeting we gathered comments. There were nine alternatives presented. Mr. Morasch recommended Alternate #2 as the preferred alignment. Holt motioned to approve. Clark seconded. No public comments. Motion carried unanimously.

**A&F Traffic Study:**

Mr. Morasch stated the A&F Traffic Study is complete. We are requesting acceptance of the study for information and the Highway Department will utilize it as another tool with road and project planning. Holt motioned to accept. Clark seconded. Clark stated she was disappointed that we did not ask for any kind of information other than raw data. Mr. Morasch stated they started the study with raw data but then it has projections as well. As far as any information a lay person could understand, such as most congested, least congested, etc., that is not included as part of the study. They were told to project. This is an engineering tool. Clark asked if they were given a projection number to use? Mr. Morasch stated it was land used based. Motion carried unanimously.

**Bid Award: (Tape 1, #2942)****Strawtown Avenue Project:**

Mr. Locke recommended the award of the Strawtown Avenue Project be awarded to E&B Paving, Inc. and Gradex (joint venture) in the amount of \$2,685,941.23. There is a \$20.14 difference from the bid read. There was an error in the extension of the unit prices. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Resurface Contract 01-3:**

Mr. Locke recommended the award of Resurface Contract 01-3 be awarded to Milestone Contractors in the amount of \$650,413.90. This is about a \$1,300 difference from the price read. They are still the low bidder. There was a unit price extension that was incorrect. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Council Finance Committee Report: (Tape 1, #3129)**

Mr. Tom Stevens stated subsequent to the last Council and Commissioners joint meeting regarding Highway Priorities, he has spoken with Mr. Reuter and he has asked us to look at the budget and project funding and report to the Council's Finance Committee. Prior to sharing any recommendations or meeting with the Finance Committee he would like the Commissioners to approve the report. Mr. Stevens stated we did not put the Olivo Road Major Bridge Project on the list. We do not believe that qualifies as a Major Bridge because the span is insufficient length and it is already funded as federal aid project through our Cum Bridge program. The significance of this is under Highway COIT where the Council has proposed funding \$9 million per year for each year beginning 2002 and forward. When we apply those numbers to that the deficits are shown in the bottom line of the spreadsheet. To balance the deficit that would be the amount of Highway COIT that would need to be added to the \$9 million to fund this proposal. By 2008, when all the debt services are fully in place it would require approximately \$16 million of Highway COIT to make this proposal work. There are other funding sources and possibilities. This would be a plan to present to the Finance Committee if this meets with the Commissioner's concurrence. Holt motioned to adopt it and encourage you to share it with the Finance Committee. Dillinger seconded. Clark stated it was her understanding, even though she was not at the meeting, that the Commissioners presented this proposal to the Council as a bond issue? Dillinger stated that is a possibility. Clark asked if that was a decision the Commissioners made? Dillinger stated it was not a Commissioner's decision, it was a proposal. Clark asked if that proposal was discussed by the Commissioners? Dillinger stated it was something he put together with Mike Howard and two engineers a day before the meeting. We had discussed a bond issue and we put that together to see if it would work. Clark asked if it was taken by Dillinger, not a Commissioner's decision. Dillinger stated that is right. Holt

stated he saw it at the same time the County Council did. It accomplished what the Board of Commissioners had voted to do, which was to do those projects. Clark stated you voted to do them, she had never concurred, as individual projects and on a priority time line. Not as another bond road issue. Holt stated no, going back to the retreat it is his belief that we had a consensus that we would do engineering and as much land acquisition as we could within the ordinary budget and when we had the project ready to build we would bond. Clark asked if that came up at the joint meeting? Dillinger and Holt stated yes. Clark asked if they concurred that was the process? Dillinger and Holt we did not have a commitment that everyone remembered it the same way. Dillinger and Holt approved. Clark opposed. Clark stated this second big road bond issue does not address serious congestion in Hamilton County for the second time and she can not support it. Motion carried.

**Bid Opening: (Tape 1, #3574)**

**4-H Boat Rental Storage:**

Mr. Howard opened the bid for the 4-H Boat Rental Storage. The only bid received was from Superior Dock Company. Their bid was for a total lump sum of \$6,5000.00 for rental from October 1, 2001 to May 1, 2002. They submitted a \$500 cashiers check for a deposit. Mr. Chuck Rushmore, 4-H Board, proposed the bid be accepted. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Kleinwood Real Property:**

Mr. Howard opened the bid for the Kleinwood Real Property. The only bid received was for \$125,000 for landscape easement and purchase price on the exercise of the option is \$100,000. This bid was from Roudebush Hilltop Inc. Mr. Howard recommended the bid be approved and he be authorized to conclude the transaction. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Bid Award:**

**Voter Registration System:**

Ms. B.J. Casali recommended the bid for the Voter Registration System be awarded to Manatron, Inc. The total cost for software, conversion and training is \$67,000 and maintenance will be \$1,500 per month or \$18,000 per year. Mr. Howard stated he has reviewed the contract and it appears to be in proper form. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Dillinger called a break. Dillinger called the meeting back to order at 4:15 p.m.

**Lantern Road Unsafe House: (Tape 2, #160)**

Mr. Chuck Kiphart, stated he received a fax from the father of Mrs. Mary Ellen Smith, a purchase agreement dated today, May 14, 2001 to purchase the house from Mary Ellen Smith. This agreement is only good for one day. The father also faxed a receipt from Mennard's that he had purchased \$742.00 worth of felting material and shingles. He gave No. date of when the work might start. He is hoping this other gentleman would buy the house and take care of the roofing matter himself. Holt motioned to table this until the next meeting. Motion carried unanimously.

**Milan Blaho Rezone:**

Mr. Howard stated Mr. Blaho will come back on the agenda when they have written commitments to provide.

**Hostetler Rezone:**

Mr. Christopher Zeller, 543 E. Market Street, Indianapolis representing Kirk Hostetler, property owner. Mr. Zeller stated Mr. Hostetler is attempting 10 acres of a tenant farm, which is generating \$70.00 per year, to install greenhouses and 8-9 month operation of selling plants, possibly fruits and vegetables.



We did receive conditional approval. Based upon further study of the water use, the aquifer and making certain it would not congest any other's right-of-way and insure privacy to the adjacent homeowners. Mr. Hostetler is prepared to put in Colorado Blue Spruce perimeter for all the adjacent property owners. The County Highway Department and INDOT have approved a road cut on SR 32 near Cyntheanne Road. The water use will be at least 500' and in most cases 1000' from the nearest well. This particular aquifer is not going to impact, at all, the residential use of water in the neighboring areas even in the driest conditions. We can not predict how many cars will be coming there. His current use at his Indianapolis location is 2-3 cars every ½ hour. Dillinger asked what was the Plan Commission's recommendation? Mr. Kiphart stated the recommendation of the initial rezone of a C-3 was a denial but the Plan Commission took a second vote to have the County Commissioners make it a C-3P which would provide for a development plan. The neighbors had a lot of concerns about this without having a secondary input of how the business was developed. If the Board of Commissioners chose to do that you would make a formal recommendation to the Plan Commission that they consider a C-3P. Holt stated the rezone is from agricultural to residential. The plot plan shows this business as out the back doors of the residences. Presumably there will be 24 hour lighting. These people are all on wells. Mr. Hostetler is going to be doing irrigation of the nursery stock. He was not sure how much. There was going to be a modest holding pond on his property. People in the area thought there was a standing water problems in the area that he had not adequately addressed. There was a significant amount of remonstrance. Mr. Hostetler stated there is not 24 hour lighting. Our hours are from 9:00 am to 7:00 pm., 9:00 am to 8:00 pm on Saturday. The only time there would be any night time lighting would be at Christmas time because we do sell Christmas trees. At the very back part of the property we have planned for over 3,000 Christmas trees to be growing. Anybody to the back and left would not see anything. He is putting 2 rows of staggered Colorado Blue Spruce down each side 3/4's of the way. We run a nice clean operation. Mr. Zeller stated the unconditional C-3 would allow him to run a used car lot. It was amended so he could only run a greenhouse, produce and landscape business.

Ms. Bonnie Woods stated she lives right next door to the property. Ms. Woods stated she does not think it is a good idea. There is a lot of traffic, a lot of semi's. She can hardly get in and out of her driveway. The property does flood, it floods her yard. She has kids, it is quiet. She does not think it would work. The current owners told us that they would not put a home in because of the traffic. She does not approve of it and hopes the Commissioners do not either.

Clark asked if the Plan Commission voted 5-3 with a C-3P? Our position is to support it or deny it? Mr. Kiphart stated yes. Mr. Howard asked if rather than a rezone do we not need to send it back to the Plan Commission for further consideration? Under the motion it would be to review the C-3P or a motion to deny. Clark motioned to send it back to the Plan Commission to further review the C-3P. Dillinger seconded. Mr. Kiphart stated it is his understanding that the code states that the Plan Commission can not change a petition that comes before them. The County Commissioners can hear a petition and can recommend a change of the original petition back to the Plan Commission and have them reconsider your recommendation. If they do go back to the Plan Commission for consideration of the C-3P, we would have to submit a detailed development plan at that time. Dillinger and Clark approved. Holt opposed. Motion carried.

#### **Amendment to Hamilton County Thoroughfare Plan: (Tape 2, #842)**

Mr. Kiphart requested approval of an amendment to the Hamilton County Thoroughfare Plan. Mr. Kiphart stated there was a study done for additional right-of-way for certain intersections along SR 37. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Amendment to the Development Plan for Deer Creek/Verizon Music Center:**

Mr. David Shelton, Attorney, 111 Monument Circle Suite 4600, Indianapolis. Mr. Shelton stated he is representing Deer Creek Amphitheater Concerts L.L.P. who is the operator of Deer Creek Music Center now Verizon Wireless Music Center. We appeared before the Hamilton County Plan Commission on April 10, 2001 to present our proposed amendment to Planned Unit Development. We proposed amending our Planned Unit Development which is a site plan. We are adding a proposed maintenance building near the north concession area, 2 permanent concession stands in the east plaza area,

expansion of the VIP restrooms, addition of a Verizon Wireless Kiosk, and three complex entrance signs - one on Boden Road, and 2 on 146th Street. We have submitted applications for permits for the proposed maintenance building and the proposed concession stands. The Plan Commission voted to approve this amendment. Subsequent to this approval he has drafted a proposed ordinance amendment which he submitted to Mr. Kiphart and Mr. Howard for review. The other issue that came to us was a question as to our Mass Gathering Permit. It was granted June 12, 2000 with a three year duration. It should expire June 12, 2003.

Dillinger stated there is another issue regarding the Sheriff's contract with Deer Creek. Deputy Farley stated he has made the Sheriff aware of that. Mr. Shelton and Mr. Adams were not aware of it. Dillinger stated Deer Creek has never met with the Commissioners to discuss the contract. Mr. Karl Adams, Manager of Deer Creek, will contact Steve Dillinger.

Holt motioned to approve the Amendment to Development Plan for Deer Creek. Clark seconded. Motion carried unanimously.

#### **Commissioner Committee Reports: (Tape 2, #1222)**

##### **Worker's Compensation:**

Mr. Bob Fearrin requested renewal of the Worker's Compensation coverage. Hamilton County has had the Worker's Compensation Program with IPEP for 13 years. We have had excellent service from IPEP and have received no indications from any other company wanting to bid on our coverage. Mr. Fearrin recommended renewing our coverage with IPEP. Holt motioned to accept Mr. Fearrin's recommendation not to put it out for bid this year and to renew with IPEP. Clark seconded. Motion carried unanimously.

##### **Highway Building Appraisal:**

Mr. Fearrin requested approving an agreement with Buckland & Associates for appraisals on the new Highway Department buildings. There are two buildings to be appraised. If we want only one building to be appraised it would be an additional 10%. Mr. Fearrin stated he understands the old body shop may be torn down and we may not need the appraisal for that building. Holt motioned to accept Mr. Fearrin's recommendation to appraise the office/garage building. Clark seconded. Motion carried unanimously. Mr. Howard stated this should be paid out of the Liability Trust Fund.

##### **E-911 Address Ranges:**

Clark stated several years ago the Auditor's office did some work on address ranges. One of the problems our emergency crews have is locating addresses in the county. Clark stated we are looking at hiring a consultant to bring us a plan and recommendation of where we are so we might be able to getting address ranges done in Hamilton County. Mr. Tim Garner, Communications Director, stated in 1988 we readdressed the county for 911 purposes. Since 1988 we have updated as subdivisions were created in the various planning jurisdictions as best we can. It has come to our attention that there may be some gaps in the addressing database. We would like to create an RFP for a needs assessment to look at what problems there may be and give us ideas on how to address those problems in the addressing database. It would mainly be for emergency services. We would then have to maintain that database. Dillinger asked what is the cost? Mr. Garner stated one company quoted us on the needs assessment at \$20,000. Holt asked why would we do a needs assessment as opposed to a fix? Mr. Garner stated the needs assessment would tell us exactly what they could do to address our problems and what to look at the entire situation. Clark stated we need a firm price on what it would cost to make the fix. Dillinger stated this company would charge us \$20,000 to tell us what it would cost to fix something that you say is not too wrong? Is that right? Mr. Garner stated yes. Mr. Howard asked why do we need a consultant to tell us we need an RFP to tell us that we have "X" amount of data and we have more houses than that. Clark stated we asked for more than that. Clark stated she attended a workshop that showed how to get the emergency vehicles to the emergency in a more timely basis. She asked that consultant how much it would cost to tell us what Hamilton County would need to do. The consultant stated it would cost us

\$168,000 for the fix. That is a ballpark figure and we are not ready to jump on that band wagon. Clark stated all we are asking for is if the Commissioners are at all interested in doing the address ranges in Hamilton County. Clark motioned if the Commissioners are interested in this we would need permission to move forward to issue an RFP to get a consultant. No second. Motion dies due to lack of second.

Holt asked what is an address range? Mr. Garner stated the 911 database identifies a range of addresses on a certain street. If an address falls within a certain range it identifies the public safety responders that will be dispatched to that call. Holt asked if we are currently unable to do that? Mr. Garner stated there are sometimes a call comes in and there is no address in our database for that street. Holt asked what do you do when that happens? Mr. Garner stated the dispatcher verifies the address with the caller, whether the address is on the screen or not. The emergency provider will be dispatched and we hope they know where the address is. Holt asked if it is entered into the system? Mr. Garner stated yes. We do fix them when we find them. Holt asked in the last 12 months how many times has that happened? Mr. Garner stated in an average month it happens 50-60 times. Holt asked how many 911 calls do you get a month? Mr. Garner stated 2,000-3,000 a month. Holt asked what is the process for entering a new subdivision? Mr. Garner stated normally the planning jurisdiction sends me the addresses that are approved and street names that are approved for that subdivision. Holt asked if these anomalies you are finding, are they pre-1996? Mr. Garner stated both. If the planning jurisdiction fails to send the information to me or he does not identify it as a new subdivision. Holt asked Mr. Stout if there is a way to run the plats that have been approved since 1988 verses the plats that are in 911. Mr. Stout stated he is not sure. The Auditor's Office has expressed an interest in not being involved in the 911 dispatching. Ms. Mills stated the plats are for taxing purposes only and she will not be responsible for putting someone's life on the line for information that we receive in her office. That is not what the Tax Mapping Department is. Mr. Howard stated 911 can take that record and do what they please, the Auditor is not blessing it. Ms. Mills stated correct. Mr. Stout stated that would be part of the solution, but it is not a trivial task to do. Holt asked if a couple of interns over the summer could tackle this project? Mr. Stout stated he does not believe two interns could handle it over a summer. We had two interns work for two years on the address range project and they got it 40%-60% complete, but it is unverified. This was initiated at the beginning of our GIS project. It was not completed. Holt asked why was it not completed? Mr. Stout stated the project was transferred from the Tax Mapping Office to the Surveyor's Office and they were not interested in doing the address range part of the work. They keep the street center lines and street names up to date, but not the address ranges. Holt asked if 40%-60% of this is done? Mr. Stout stated yes, that was about 10,000 parcels ago. Holt asked if this would bring accuracy if that could be cross referenced? Mr. Stout stated that is unverified. It was done by interns and none of it is checked. Holt stated Mr. Garner is only looking for omissions. Holt asked if he would be the verifier if he did that run and found addresses that were not in the system then he would know he should check those addresses to see whether they should go on the system or not? Mr. Stout stated the process you are talking about is the process a company would use to do this work. That was the estimate that came in at \$168,000. Ms. Mills asked if it was the understanding of the committee that was the cost to do the project, not the cost to maintain the project? Mr. Stout stated correct. Ms. Mills stated you would still have a maintenance issue after the project was brought up to date. Holt stated he thought there was a maintenance formula right now, it is the planning jurisdictions sending it to Tim Garner to enter into the system. Mr. Garner stated he is afraid he may not be getting all the planning jurisdictions updates. Holt asked if there is a 911 check off on the routing slip? Ms. Mills stated she was not aware of one, she would have to check. Holt asked Ms. Mills if every plat came to her office? Ms. Mills stated for taxing purposes only. Holt asked if it would make sense that the planning jurisdiction to state under oath that they checked that? Ms. Mills stated we can't make them, that has been the biggest problem with the nine jurisdictions in everything is that we have no authority to make them do anything. Holt stated when you go to the Recorder's office and forget to do something she needs, she does not accept it. We can pass an ordinance that we will not accept a plat that does not have a 911 check off in it. Ms. Mills stated she does not think we want to go there as far as taxing purposes. There are two issues, the taxing purpose issue that is addressed by statute that the Auditor has to follow. There is nothing in the statute that addresses E911 for her office. Mr. Howard stated it seems to him that it would not be tough to fill out the name of the plat and send it to 911. Holt asked Mr. Garner if 911 has to approve street names before it goes to the recording stage? Mr. Garner stated we do, but it has nothing to do with addresses. If we approve a street name or disapprove a street name if a planning jurisdiction wants to use that street name no matter what we say, they can use it. Ms. Mills stated that is something

Melissa Dashiell, Tax Mapping Department, has worked very hard to keep that from happening. If one planning jurisdiction wants to do it, we can't stop them. Holt motioned to table this issue and request that Tim Garner, Mike Howard, Robin Mills and Melissa Dashiell, Mary Clark and Larry Stout meet and bring back a recommendation to the Commissioners as soon as they can. Clark seconded. Holt suggested including a couple of planning jurisdictions in this meeting. Motion carried unanimously.

#### **Super 8 Innkeepers Tax:**

Dillinger stated he received a complaint that the Super 8 Motel on Pleasant Street has not paid their innkeepers taxes. Mr. Howard stated this is the first he has heard about it, the Treasurer lets him know when they are behind. Holt motioned to turn it over to the Prosecutor. Clark seconded. Motion carried unanimously.

#### **Carmel Library Board Appointment:**

Clark motioned to appoint John Proffitt to replace Judy Proffitt on the Carmel Library Board. Holt seconded. Motion carried unanimously.

#### **Noblesville Chamber Golf Outing:**

Holt stated the Noblesville Chamber of Commerce is requesting they be allowed to place vehicles on the southeast corner of the courthouse square in addition to a banner to advertise their golf outing. Holt motioned to approve. Clark stated she protests cars on the courthouse square. Mr. Swift stated this would open the door to any organization wanting to place cars on the courthouse square. No second. Motion dies due to lack of a second.

#### **Attorney:**

#### **Wellhead Protection Agreement:**

Mr. Howard stated as part of the Wellhead Protection we had problems with one of our contractors. We have entered into an agreement where that contractor is resigning and the Surveyor has entered into a contract with a new contractor and the Indianapolis Water Company has paid the difference. The old contractor is releasing any claim they have for payment and the retainage and the balance of their contract. Mr. Howard requested approval of the settlement agreement. Clark motioned to approve. Holt seconded. Motion carried unanimously.

#### **Release of Retainage Escrow Agreement - Terstep:**

Mr. Howard requested approval of the release of the Retainage Escrow Agreement for Terstep from Bank One Trust Company for the Community Corrections Project. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Salt Storage Building Agreement:**

Mr. Howard stated an agreement has been reached regarding the Salt Storage Building at the Highway Department. This agreement will allow funds to be placed in escrow and a notice to proceed will be issued for the replacement trusses. Mr. Howard also requested the President of the Board of Commissioners be authorized to sign the release of the funds when they are all paid in pursuant to the agreement. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Criminal Justice Needs Assessment:**

Mr. Larry Dawson stated the Criminal Justice Taskforce is recommending the approval of a contract with Huskey & Associates, Inc. to conduct Hamilton County's Criminal Justice Needs Assessment. County Council has agreed to appropriate \$115,000 for this project. \$95,000 will be paid to Huskey & Associates and \$15,000 to Envoy, Inc. to manage this project, prepare the cost estimate and \$5,000 as a contingency. Clark motioned to approve. Holt seconded. Motion carried unanimously.

### **Ordinance 5-14-01-A, Establishing the Hazel Dell Road Improvement Fund:**

Mr. Howard requested approval of Ordinance 5-14-01-A, Establishing the Hazel Dell Road Improvement Fund. Holt motioned to suspend the rules to approve Ordinance 5-14-01-A on first reading. Clark seconded. Motion carried unanimously. Holt motioned to approve Ordinance 5-14-01-A. Clark seconded. Clark asked how are we so ready to move into this agreement when we did not participate with Carmel when they built Hazel Dell? Holt stated Carmel did not ask. Holt stated after the fact that Mayor Brainard asked for bridge reimbursement, which we agreed to do. Motion carried unanimously.

### **Karna Baker Letter:**

Clark entered into the record a letter from Karna Baker to the Hamilton County Commissioners regarding their drainage pipe.

### **Administrative Assistant:** (Tape 2, #3485)

### **Conner Street Pedestrian Crossing:**

Mr. Swift presented a copy of a letter from INDOT, declining to install a pedestrian activated push button at the intersection of 8th Street and SR 32.

### **Riverview Hospital Board of Trustees Appointments:**

Mr. Swift stated the Commissioners have received a letter from Riverview Hospital regarding the vacancy on their Board of Trustees. They have recommended a couple of people as possible appointees to fill that vacancy. Clark stated she is not ready to decide this today. Dillinger stated he would like to deny it and send it back to them for further investigation. Dillinger stated he does not believe they have the qualifications. He does not have any recommendations. Dillinger motioned to deny the two recommendations submitted to us. Holt seconded. Motion carried unanimously.

### **Liability Trust Claim:**

Mr. Swift requested approval of a claim from the Liability Trust to be paid to Walker & Associates Insurance in the amount of \$10,385.65 for a premium for Rick Durham's work. Holt motioned to approve. Clark seconded. Motion carried unanimously.

### **Kiwanis Club:**

Mr. Swift stated the Kiwanis Club of Noblesville would like permission to line the courthouse square with flags, as done in the past, for Memorial Day. Clark motioned to approve. Holt seconded. Motion carried unanimously.

### **Budget Instructions:**

Mr. Swift stated the 2002 Budget Instructions have been sent by the County Auditor. Mr. Swift stated he will rough out the budget and give each commissioner a copy for review. Dillinger asked to get a copy of all the other budgets they are responsible for.

### **106th Street Drain Outlet:**

Mr. Locke stated he has spoken to the County Surveyor on the 106th Street Drain Outlet and he says a hearing will be required no matter what we do because of the reconstruction. If it is done without any additional money from the drainage shed it will just involve the people along the actual reconstruction instead of the entire drainage shed. The Surveyor does believe there is money between the developer and using maintenance funds to fund that portion right up front and not go into an agreement to have the county reimbursed at a later date. Mr. Locke recommended the Board sign the agreements to get the design work done and we will work out the details with him on exactly who needs to be notified and how much money comes from what areas. Holt motioned to approve. Clark seconded. Clark asked if people

will be assessed for reconstruction? Mr. Locke stated the Surveyor thinks there is enough money right now that there will not be an additional assessment done. He would use money out of the maintenance fund. Motion carried unanimously.

**Auditor:**

**State Board of Accounts Letter:**

Mr. Robin Mills requested signature from the President on a letter from the State Board of Accounts regarding the county's audit. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Drainage Board:**

Ms. Mills requested acceptance of Bonds/Letters of Credit for the Drainage Board. 1) HCDB #B01007 - Harleysville Mutual Insurance Company Performance Bond No. BBC048906 for Buckhorn Estates for monuments and markers in the amount of \$3,000. Clark motioned to approve. Holt seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit - Drainage Board:**

Ms. Mills requested release of Bonds/Letters of Credit for the Drainage Board. 1) HCDB #B00017 - Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 885609S for Springwood for storm drains storm sewers, underdrains and erosion control in the amount of \$73,758. 2) HCDB #L00026 - Owen Community Bank Standby Letter of Credit for Buckhorn Estates for monuments and markers in the amount of \$3,000. Clark motioned to approve. Holt seconded. Motion carried unanimously.

**Delaware Township Quarterly Poor Relief Report:**

Ms. Mills requested acceptance of the Delaware Township Quarterly Poor Relief Report. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**School Fund Annual Report:**

Ms. Mills requested approval of the annual report of the School Funds to the State Superintendent of Public Instruction. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Vendor Claims:**

Ms. Mills requested approval of the Vendor Claims to be paid May 15, 2001. Clark motioned to approve. Holt seconded. Motion carried unanimously.

**Payroll Claim Signing:**

Ms. Mills asked the Commissioners to set a time to sign Payroll Claims on Monday, May 21, 2001. Dillinger and Holt will sign the claims at 8:00 a.m. in the Auditor's Office.

Holt motioned to adjourn the meeting at 5:40 p.m. Clark seconded. Motion carried unanimously.

**Commissioners Correspondence**

Dick Frost Fax

Conner Prairie Letter re: Antique Road Grader

APPROVED:

Notice of Continuance of Hearing for 116th & Olio Road Initial Zoning

Towne Road Corridor Study from Beam, Longest & Neff

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IDEM Receipt of Application - PSI Energy/Cinergy

IDEM Notice of Sewer Permit Application:

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Auburn Springs, Section Four - Noblesville

Rosewood, Section Four - Noblesville

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96th Street Office Campus

Royalwood, Section 8 & 9 - Fishers

The Bristols, Section 1 & 1B - Fishers

ATTEST

Heart Hospital - Carmel

South Harbour Commercial Park - Noblesville

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Roudebush Woods, Section 4 - Noblesville

Robin M. Mills, Auditor

Brighton Woods, Section 2 - Carmel

Centennial, Section 5 - Westfield

Village of West Clay, Section V02 - Carmel

Kingsborough, Section 4 - Carmel

IDEM Notice of Appeal Rights:

Brookside Subdivision, Section One - Westfield

Deer Path, Sections 5 & 6 - Noblesville

Crest View, Section 3 - Westfield

IDEM Notice of Decision (Approval) - Biddle Precision Components, Sheridan

Insight Communications Rate Change Information